

CHAPTER 96

MOTOR VEHICLES

S. F. 303

AN ACT to amend section thirty (30) (S. C. C. 3073) of chapter two hundred seventy-five (275) acts of the thirty-eighth general assembly as amended by chapter one hundred fifty-four (154) acts of the thirty-ninth general assembly relating to the operation of motor vehicles while intoxicated, and providing a penalty therefor.

Be it enacted by the General Assembly of the State of Iowa:

1 **SECTION 1. Operation by intoxicated person.** That section thirty
2 (30) (S. C. C. 3073) of chapter two hundred seventy-five (275) acts of
3 the thirty-eighth general assembly as amended by chapter one hun-
4 dred fifty-four (154) acts of the thirty-ninth general assembly be and
5 the same is hereby amended by striking out that part of said section
6 in lines one (1), two (2), and three (3) down to and including the
7 period (.) following the word "code" in said line three (3) and insert-
8 ing in lieu thereof the following: "Whoever while in an intoxicated
9 condition operates a motor vehicle shall upon conviction be sentenced
10 to the penitentiary for a period not exceeding one (1) year, or be
11 punished by a fine of not more than one thousand dollars (\$1000.00),
12 or by both such fine and imprisonment."

Approved April 10, A. D. 1923.

CHAPTER 97

MOTOR VEHICLE CARRIER LINES

S. F. 361

AN ACT providing for the supervision and regulation of persons either natural or artificial engaged in the transportation of persons or property for hire over the public highways of the state by motor vehicles and conferring certain jurisdiction over such persons and such vehicles upon the board of railroad commissioners of the state; also providing for the enforcement of this act and for the punishment of violation thereof.

Be it enacted by the General Assembly of the State of Iowa:

1 **SECTION 1. Definitions—exceptions.** (a) The term "motor ve-
2 hicle" when used in this act means any automobile, automobile truck,
3 motor bus, or any other self-propelled vehicle not operated or driven
4 upon fixed rails or track.
5 (b) The term "motor carrier" when used in this act means any
6 person, firm or corporation, lessee, trustee or receiver, operating any
7 motor vehicles with or without trailers attached, upon any public high-
8 way for the transportation of passengers or property for compensa-
9 tion, between fixed termini or over a regular route even though there
10 may be periodic or irregular departures from said termini or route,

11 or for delivering oils, goods or merchandise other than farm products
12 in the vicinity of and from a distributing point except such motor
13 carriers operating solely within the limits of a municipality.

14 Provided that the provisions of this section shall not be so construed
15 as to apply to resident retail merchants who deliver goods and mer-
16 chandise, other than oils, or oil products, in quantities of five gallon
17 or less, in pursuance of bona fide sales to residents outside the limits
18 of cities and towns and special charter cities, or to any vehicle used
19 in collecting dairy products from the producer. Nothing in this act
20 shall be construed as affecting the operation of school busses, which
21 are used in conveying school children to or from consolidated or other
22 schools.

23 (c) The term "highway" when used in this act means every public
24 street, road, highway, or thoroughfare of any kind in this state used
25 by the public whether actually dedicated to the public or accepted by
26 the proper authorities or otherwise.

27 (d) The terms "board" or "commission" when used in this act
28 mean the board of railroad commissioners of the state of Iowa.

1 **SEC. 2. Rules and regulations.** The board of railroad commissioners
2 of the state of Iowa is hereby vested with the power to prescribe rules
3 and regulations for the operation of motor vehicles as defined herein
4 for the protection and safety of the public.

1 **SEC. 3. Rates.** All charges made by any motor carrier for any
2 service rendered or to be rendered in the transportation of passengers
3 or property, or in connection therewith, shall be just, reasonable and
4 non-discriminating, and every unjust, unreasonable, or discriminating
5 charge for such service or any part thereof is prohibited and declared
6 unlawful.

1 **SEC. 4. Authority to operate—application—hearing.** It is hereby
2 declared unlawful for any motor carrier to operate or furnish service
3 within this state without first having obtained from the board of
4 railroad commissioners a certificate authorizing such operation. Be-
5 fore such certificate shall be issued, the board of railroad commis-
6 sioners shall after a public hearing make a finding that the service
7 proposed to be rendered will promote the public convenience. If such
8 finding be made, it shall be its duty to issue such certificate; but a
9 certificate shall be granted when it appears to the satisfaction of the
10 board of railroad commissioners that such person, firm or corporation
11 was actually operating in good faith, over the route for which such
12 certificate shall be sought, on April 14, 1923. If such finding be not
13 made, it shall refuse such certificate. When the certificate is granted,
14 it may attach to the exercise of the rights therein conferred such
15 terms and conditions as in its judgment the public safety, convenience
16 and necessity may require. For just cause, the board may at any
17 time modify, amend or revoke any certificate issued.

18 The board shall adopt rules governing the procedure to be followed
19 in the filing of applications and in the conduct of hearings upon such
20 applications and in the granting of such certificates. All applications
21 shall be in writing and in addition to the other information required,
22 shall contain the following:

23 (a) The complete route over which the applicant desires to operate.

24 (b) The proposed schedule or schedules setting forth in detail,
25 the service which the applicant proposes to render.

26 (d) A complete and detailed description of the property proposed
27 to be devoted to the public service.

28 Notice of the filing of the application and the date and place of the
29 hearing thereupon shall be published in some newspaper of general
30 circulation in each of the counties in which the service is proposed to
31 be rendered once each week for two consecutive weeks prior to said
32 hearing. The hearing shall be held in one of the counties in which the
33 service is proposed to be rendered to be selected by the applicant.

Note: In line 26 "(d)" should be "(c)".

1 **SEC. 5. Appeal—procedure and trial.** Appeal may be taken from
2 an adverse decision of such board of railroad commissioners by the
3 parties making such application, to the district court of any county
4 in Iowa in which any portion of the route over which they are author-
5 ized to operate is located, within thirty days from the time such
6 decision was rendered by giving at least ten days notice to such board
7 of railroad commissioners to be served on the chairman or secretary
8 of such board in the same manner as original notices are now served
9 and by filing a bond for costs in the sum of not less than one hundred
10 dollars with the clerk of said court.

11 Upon such appeal being taken the secretary of such board shall
12 make and certify a transcript of all papers, records and proceedings
13 in connection with such application and hearing and file the same with
14 the clerk of said court on or before the first day of the next term
15 thereof following the taking of such appeal.

16 The appeal shall be tried in equity and submitted upon the transcript
17 of the evidence and the record made before the commission, and the
18 district court shall either affirm, modify or reverse the order of the
19 commission. An appeal may be taken from the judgment of the
20 district court to the supreme court, as from other judgments.

1 **SEC. 6. Assignment of authorization.** No certificate of authoriza-
2 tion issued under the provisions of this act shall be sold, transferred,
3 leased or assigned nor shall any contract or agreement with refer-
4 ence to or affecting any such certificate be made except with the
5 written approval of the board.

6 Nor shall any person, natural or artificial be permitted to take over
7 any such certificate unless he or it shall assume all the obligations
8 imposed upon an original applicant.

1 **SEC. 7. Maximum load.** No motor carrier shall be permitted to
2 operate a vehicle, equipped with solid rubber tires which together with
3 its maximum load, weighs more than sixteen thousand pounds or one
4 equipped with pneumatic tires which together with its maximum load,
5 over twenty thousand pounds over the public highways of this state.

1 **SEC. 8. Power of cities and towns—farm products—interpretive**
2 **clause.** Cities and towns, including cities under special charter, shall
3 have power, by ordinance, to adopt general rules of operation and to
4 designate the streets or routes over which motor carriers shall travel,
5 provided, however, that the exercise of the power granted in this
6 section shall be reasonable and fair.

7 Nothing in this act shall be construed as conferring on the board
8 of railroad commissioners the right to regulate any motor vehicle used

8 in the business of transporting live stock or other farm product from
9 the place of production to market.
10 Nothing in this act shall be construed as repealing section 754-a, sup-
11 plemental supplement to the code, 1915, nor chapter 115, acts of the
12 thirty-ninth general assembly.
13 Motor vehicles operating or proposing to operate, between cities
14 and towns, the corporate limits of which are not to exceed one mile
15 apart shall be considered as coming within the purview of the acts
16 described in this section.

SEC. 9. Taxes—basis for computation—certification—collection—
1 use. In addition to the regular license fees or taxes imposed on motor
2 vehicles in this state, every motor carrier shall pay the following taxes
3 for the maintenance and the up-keep of the public highways:

4 Motor vehicles having pneumatic tires, one-eighth cent ($\frac{1}{8}$ c) per
5 ton mile of travel over and along the public highways.

6 Motor vehicles having hard rubber or solid tires, one-fourth cent
7 ($\frac{1}{4}$) per ton mile of travel over and along the public highways.

8 In figuring the ton miles of passenger travel, the maximum seating
9 capacity of each passenger carrying motor vehicle unit (trailers to
10 be included) at one hundred fifty pounds (150) per passenger seat,
11 plus the weight of the vehicle, multiplied by the number of miles
12 operated the sum thus obtained to be divided by two thousand, shall
13 determine the ton miles of passenger travel each month. In no event,
14 however, shall the number of miles operated be considered as less
15 than the number required to be operated by the carrier to maintain
16 its filed schedules.

17 In figuring the ton miles of freight travel, the maximum freight
18 carrying capacity of each freight carrying truck or vehicle unit
19 (trailers to be included) plus the weight of the vehicle, multiplied by
20 the number of miles operated, the entire sum thus obtained to be
21 divided by two thousand shall determine the ton miles of freight
22 travel per month.

23 The motor carrier shall keep a daily record upon a form prescribed
24 by the commission of all schedules maintained, motor vehicle and
25 trailer units used and motor vehicle and trailer units laid up for
26 repairs, during the current month, and on or before the tenth day of
27 the month following shall certify under oath to the commission upon
28 such forms as may be prescribed by the commission, a summary of the
29 daily record which shall show the grand total ton miles of travel,
30 both passenger and freight made by the motor carrier during the
31 preceding month. The daily record of each month's business shall
32 thereupon be filed and preserved for a period of at least five years
33 and thereafter until permission for their destruction shall have been
34 obtained from the commission. Such daily record of each month's
35 business shall be examined at least once each year by the commission
36 or an authorized representative, and compared with the sworn sum-
37 maries on file with the commission. Any wilful falsification of the
38 sworn monthly summaries, in addition to other penalties imposed by
39 the statute, shall result in immediate revocation of the motor car-
40 rier's certificate. Errors in monthly summaries as compared to the
41 daily records shall be adjusted to the figures of the daily records from
42 time to time as discovered and certified to the county treasurers by

43 the commission in the same manner as the regular monthly certifica-
44 tion as hereinafter required.

45 Regularly each month, on or before the last day of the month, the
46 commission shall certify to the various county treasurers in the coun-
47 ties through or in which any motor carrier is operating, the total
48 amount of the special tax due from each motor carrier for operation
49 over the public highways for the preceding month. This tax shall be
50 computed by multiplying the total number of ton miles operated by
51 each motor carrier as shown by their sworn monthly summary to the
52 commission by the rate or rates of taxation as in this act specified.
53 Thereupon the county treasurer shall enter the amount of the tax
54 so certified upon the tax books of the county and serve a notice upon
55 the motor carrier of the amount of tax due, which shall be payable
56 not later than the fifteenth day of the month after the date of its
57 certification from the commission. All taxes in this manner assessed
58 shall become a first lien upon the property of the motor carrier used
59 in said business, until paid. In addition to the remedy upon the bond
60 for collection of the tax, the property of the motor carrier may be
61 advertised and sold for the non-payment of any such taxes in the
62 same manner and at the same time and under the same general rules
63 and conditions as apply to all other property in the state. Upon fail-
64 ure of any motor carrier to pay any tax when due the county treas-
65 urer shall notify the commission at once, and the commission may
66 in its discretion revoke the carrier's certificate.

67 The money received by the county treasurer from this source shall
68 be allocated to the various city and county road districts in the pro-
69 portion that the number of miles of public highway used by the
70 taxed motor carrier in any one district bears to the total number of
71 miles used within the county. Such funds shall be used by each
72 governmental agency receiving the same for the maintenance and
73 repair of the highways and streets over which the carrier operates.

1 SEC. 10. **Bond.** No certificate of authorization shall be issued by
2 the commission to any motor carrier until and after such motor car-
3 rier shall have filed with the commission of this state a liability
4 insurance bond, in a form to be approved by the commission, in some
5 company authorized to do business in this state, in such a penal sum
6 as the commission may deem necessary to adequately protect the
7 interests of the public with due regard to the number of persons
8 and amount of property involved, which liability insurance shall bind
9 the obligors thereunder to make compensation for injuries to persons
10 and loss of or damage to property resulting from the operation of
11 such motor carrier, and for which they would be legally liable. Said
12 commission shall also require a satisfactory bond in such penal sum
13 and conditioned on the payment of all fees, taxes or charges which
14 may be due the state or any governmental unit in the state under
15 any permit of operation and for the faithful carrying out of any
16 permit granted by said commission. No other or additional bonds
17 than as herein described shall be required of any motor carrier by
18 any city or town or other agency of the state.

1 SEC. 11. **Safety rules.** The commission in the exercise of the
2 authority by this act vested in it to supervise and regulate all motor
3 carriers shall promulgate such safety rules and regulations as it may
4 deem necessary to govern and control the operation of motor carriers

5 over and along the public highways of this state, and to enforce the
6 same by such penalties and forfeitures as it may prescribe, including
7 the revocation of the permit granted under the provisions of this act.
8 Any such safety rules promulgated in addition to any others deemed
9 necessary by the commission shall include the following:

10 (a) Every motor carrier unit and all parts thereof shall be main-
11 tained in a safe and sanitary condition at all times, and shall be at all
12 times subject to the inspection of the commission and its duly author-
13 ized representatives.

14 (b) Every driver employed by a motor carrier shall be at least
15 twenty-one years of age, of good moral character, shall be fully com-
16 petent to operate the motor vehicle under his charge, and shall hold a
17 regular chauffeur's license from the state motor vehicle department.

18 (c) On passenger carrying motor carrier units passengers will
19 not be allowed to ride on the running boards, fenders or any other
20 part of the outside of the vehicle.

21 (d) On freight carrying motor carrier units no part of the load
22 shall be allowed to project more than six inches beyond the running
23 board of said motor vehicle, or measure more than eight feet wide
24 over all.

25 (e) No passenger carrying motor carrier unit shall be driven
26 over and along the public highways of this state at a greater rate of
27 speed than twenty-five miles per hour.

28 No freight carrying motor carrier unit shall be driven over and
29 along the public highways of this state at a greater rate of speed
30 than twenty miles per hour.

31 (f) Accidents arising from or in connection with the operation of
32 motor carriers shall be reported to the commission in such detail
33 and in such manner as the commission may require.

34 (g) The commission shall require and every motor carrier shall
35 have attached to each unit or vehicle such distinctive markings or
36 tags as shall be adopted by the commission.

1 SEC. 12. Indefinite repeal. All acts or parts of acts in conflict with
2 the provisions of this act are hereby repealed.

1 SEC. 13. Forfeiture of certificate. Every owner, officer, agent or
2 employe of any motor carrier, and every other person who violates
3 or fails to comply with, or who procures, aids or abets in the viola-
4 tion of any provision of this act, or who fails to obey, observe or
5 comply with any order, decision, rule or regulation, direction, demand
6 or requirement, or any part or provision thereof, of the commission,
7 or who procures, aids or abets any corporation or person in his fail-
8 ure to obey, observe or comply with any such order, decision, rule,
9 direction, demand or regulation or any part or provision thereof,
10 shall forfeit the certificate as provided herein.

Approved April 18, A. D. 1923.